Indiana as a cosponsor of this Senate resolution commending the Purdue University women's basketball team on winning the 1999 National Collegiate Athletic Association (NCAA) basketball championship.

The Lady Boilermakers this year have made Indiana history in becoming the first women's sport to bring home a national championship title for Purdue University. They are also the first women's basketball team in the Big Ten Athletic Conference to win the NCAA title.

This resolution is a fitting tribute and a deserving honor for Coach Carolyn Peck and the team members who persevered throughout the long season and the playoffs to win the national title. Their commitment and dedication to this tremendous effort is demonstrated by their winning record of 34 games—including a string of 32 consecutive victories. Throughout this storied season, the Lady Boilers' skill and dedication was matched only by the grace and dignity with which they carried themselves as a team en route to the national title.

For departing seniors Ukari Figgs and Stephanie White-McCarty, this victory is truly special as they complete their studies at Purdue and look toward the future. Winning the NCAA title is an historic and special occasion—placing this team among a select company of national champions. Their triumph will be remembered at Purdue and throughout our State for years to come.

The dedication and sportsmanship demonstrated throughout the season by the Lady Boilers reaffirm our strong basketball tradition in Indiana. The team's competitive spirit and commitment to excellence make them deserving recipients of the accolades of the nation and the honor of this special Senate resolution.

Mr. BAYH. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc and that the motion to reconsider be laid upon the table, without intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 76

Whereas the Purdue University Lady Boilermakers (Lady Boilers) won their first National Championship in the National Collegiate Athletic Association women's basketball tournament on March 28, 1999;

Whereas the Lady Boilers finished the 1998-99 season with an outstanding record, winning 34 games, including 32 consecutive victories;

Whereas the Lady Boilers proudly brought Purdue University its first ever NCAA championship in any women's sport, and did so with skill matched by grace and dignity;

Whereas the Lady Boilers claimed the first ever NCAA women's basketball championship by any member of the Big Ten Athletic Conference; and

Whereas the Lady Boilers have brought great pride and distinction to the State of Indiana: Now, therefore, be it

Resolved, That the Senate commends the Purdue University Lady Boilers basketball team for winning the National Collegiate Athletic Association women's basketball national championship.

Mr. BAYH. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE'S CONTINUING FAILURE TO ACT ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, baseball season began earlier this month and already the Senate is lagging behind the home run pace of Mark McGwire. Last summer I began comparing the Senate's lack of progress on judicial nominations with home run pace of McGwire and other major leaguers. I had tried everything else I could think of: I had lectured the Republican majority about the Senate's duty to the judicial branch under the Constitution, I had cited the caseloads and backlogs in many courts around the country, I had introduced legislation to prevent the Senate from going on vacation while the Second Circuit was experiencing an unprecedented emergency declared by Chief Judge Winter in the face of five vacancies out of 12 authorized members of the court.

I recently attended an historic meeting of the Baltimore Orioles major league baseball team and the Cuban team in Havana. During the Easter recess the Nation's Capital witnessed exhibition baseball between the Montreal Expos and the St. Louis Cardinals and got to see Big Mac in person. Maybe another baseball comparison can inspire the Senate into action on Federal judges this year.

It is already mid-April and the Senate has yet to act on a single judicial nominee. Worse yet the Senate Judiciary Committee has yet to hold or even schedule a confirmation hearing. At this rate, I will have to start comparing the Senate's pace for the confirmation of Federal judges to the home run pace of American League pitchers. Since they do not bat, the Senate has a chance of keeping up with them.

Of course, last year the Senate had gotten off to an early lead on Mark McGwire. Last January through the end of April, the Senate had confirmed 22 judges. By the All Star break last July, the Senate had confirmed 33 judges. It took Big Mac 10 weeks to catch and pass the Senate last year.

This year, McGwire passed the Senate's total on opening day. That is because this year the Senate has yet to confirm a single Federal judge. That is right: In spite of the 33 judicial nominations now pending, in spite of the fact that at least a dozen of those nominees have been pending before the Senate for more than 9 months, in spite of the fact that four of those nominations were favorably reported by the Senate Judiciary Committee and were on the Senate calendar last year, in spite of the 67 vacancies including 28 judicial emergency vacancies, the Senate has yet to confirm a single Federal judge all year. Incredibly Mark McGwire is still on pace with what he accomplished last year. Regrettably, the Senate is not on even or on a slower pace than it was last year; it has no pace at all.

By the end of last year, the Senate finally picked up its pace and confirmed 65 Federal judges—the highest total since the Republican majority took control of the Senate. That was 65 of the 91 nominations received for the 115 vacancies the Federal judiciary experienced last year. Together with the 36 judges confirmed in 1997, the total number of article III Federal judges confirmed during the last Congress was a 2-year total of 101—the same total that was confirmed in 1 year when Democrats last made up the majority of the Senate in 1994. Of course, the Senate fell short of the record-setting 70 home run total of Mark McGwire and 66 homers hit by Sammy Sosa.

The Judicial Conference of the United States has recommended that Congress authorize an additional 69 judgeships besides, in order for the Federal courts to have the judicial resources they need to do the justice. These are in addition to the 67 current vacancies. That means that the Federal courts need the equivalent of 136 more judges. I cannot remember a time when the resource needs of the Federal courts were so neglected by the Congress.

During the four years that the Republican majority has controlled the Senate, it has barely kept up with attrition when it comes to judicial vacancies. Even with the confirmations achieved last year, the current vacancies number as many as existed at the time the Senate recessed in 1994. The Senate has not made the progress it should have in filling the longstanding vacancies that continue to plague the

Federal judiciary. The Chief Justice of the U.S. Supreme Court and others continue to speak of the problem of too few judges and too much work. In 1997 the Chief Justice noted: ''Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary.''

Both the Second Circuit and the Ninth Circuit have had to cancel hearings over the past couple of years due to judicial vacancies. The Second Circuit has had to declare a circuit emergency and to proceed with only one circuit judge on their three-judge panels.

The New York Times ran a front-page story recently on how the crushing workload in the Federal appellate courts has lead to what the Times called a ''two-tier system'' for appeals. In testimony and statements over the last few years, I have seen Chief Judge Winter and former Chief Judge Newman of the Second Circuit, Chief Judge Hug and Judge Trott of the Ninth Circuit and Chief Judge Hatchett of the Eleventh Circuit all warn of the problem of too few judges and too much work. I deeply regret that these twin problems have combined to lead to the perception that the Federal appellate courts can no longer provide the same attention to individual cases that has marked the Federal administration of justice in the past.

Appellate courts have had to forgo oral argument in more and more cases. Litigants are being denied any opportunity to see the judges who are deciding their causes. Law clerks and attorney staff are being used more and more extensively in the determination of cases as backlogs grow. As caseloads grow, bureaucratic imperatives seem to be replacing the administration of justice. These are not the ways to engender confidence in our system of justice, acceptance of the judicial process, support for the decisions being rendered or respect for courts. Congress needs to support the judicial branch with the judges and other resources it needs.

Instead of sustained effort by the Senate to close the judicial vacancies gap, we have seen extensive delays continue and unexplained and anonymous ''holds'' become regular order.

The only thing the Judiciary Committee does not ''hold'' any more is judicial confirmation hearings. I recall in 1994—the most recent year in which the Democrats constituted the majority—when the Judiciary Committee held 25 judicial confirmation hearings, including hearings to confirm a Supreme Court Justice. By April 15, 1994, we had held 5 hearings involving 21 nominees, and the Committee had reported 18 nominations. Even last year, the Committee had held four confirmation hearings by this time. This year the Committee has not held a single hearing on a single judicial nomination.

The Senate continues to tolerate upwards of 67 vacancies in the Federal courts with more on the horizon—almost one in 13 judgeships remains unfilled and, from the looks of things, will remain unfilled into the future. The Judiciary Committee needs to do a better job and the Senate needs to proceed more promptly to consider nominees reported to it.

We made some progress last year, but if last year is to represent real progress and a change from the destructive politics of the two preceding years in which the Republican Senate confirmed only 17 and 36 judges, we need to better last year's results this year. The Senate needs to consider judicial nominations promptly and to confirm without additional delay the many fine men and women President Clinton is sending us.

Already this year the Senate has received 33 judicial nominations. I am confident that many more are following in the days and weeks ahead. Unfortunately, past delays mean that 28 of the current vacancies, over 40 percent, are already judicial emergency vacancies, having been empty for more than 18 months. A dozen of the nominations now pending had been received in years past. Ten are for judicial emergency vacancies. The nomination of Judge Paez to the Ninth Circuit dates back over 3 years to January 1996.

In his 1998 Year-End Report of the Federal Judiciary, Chief Justice Rehnquist noted: ''The number of cases brought to the federal courts is one of the most serious problems facing them today.'' Criminal cases rose 15 percent in 1998, alone. Yet the Republican Congress has for the past several years simply refused to consider the authorization of the additional judges requested by the Judicial Conference.

In 1984 and in 1990, Congress did respond to requests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration.

In 1997, the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. This year that request has risen to 69 additional judgeships.

In order to understand the impact of judicial vacancies, we need only recall that more and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. Last year the Senate adjourned with 15 nominations for judicial emergency vacancies left pending without action. Ten of the nominations received already this year are for judicial emergency vacancies.

In his 1997 Year-End Report, Chief Justice Rehnquist noted the vacancy crisis and the persistence of scores of judicial emergency vacancies and observed: ''Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote.'' He went on to note: ''The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.''

During the entire 4 years of the Bush administration there were only three judicial nominations that were pending before the Senate for as long as 9 months before being confirmed and none took as long as a year. In 1997 alone there were 10 judicial nominations that took more than 9 months before a final favorably vote and 9 of those 10 extended over a year to a year and one-half. In 1998 another 10 confirmations extended over 9 months: Professor Fletcher's confirmation took 41 months—the longest-pending judicial nomination in the history of the United States—Hilda Tagle's confirmation took 32 months, Susan Oki Mollway's confirmation took 30 months, Ann Aiken's confirmation took 26 months, Margaret McKeown's confirmation took 24 months, Margaret Morrow's confirmation took 21 months, Judge Sonia Sotomayor's confirmation took 15 months, Rebecca Pallmeyer's confirmation took 14 months, Dan Polster's confirmation took 12 months, and Victoria Roberts' confirmation took 11 months.

I calculate that the average number of days for those few lucky nominees who are finally confirmed is continuing to escalate. In 1996, the Republican Senate shattered the record for the average number of days from nomination to confirmation for judicial confirmation. The average rose to a record 183 days. In 1997, the average number of days from nomination to confirmation rose dramatically yet again. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days.

Unfortunately, that time is still growing and the average is still rising to the detriment of the administration of justice. Last year, in 1998, the Senate broke the record, again. The average time from nomination to confirmation for the 65 judges confirmed in 1998 was over 230 days. At each step of the process, judicial nominations are being delayed. Prime examples are Judge Richard Paez, Justice Ronnie L. White, and Marsha Berzon, who have each had to be renominated again this year.

I again urge the Senate to take seriously its responsibilities and help the President fill the longstanding vacancies in the Federal courts around the country. Today the score is running against the prompt and fair administration of justice—vacancies 67, nominations 33, confirmations zero.

In conclusion, last year I talked about judicial nominations and Mark McGwire. I talked about how well

Mark McGwire had been doing. I compared his home run numbers, and that he was going along a lot faster than our judicial nominations. And I may do a little bit of that this year, as well.

But I put a little magnifying glass up here to the chart. Here are the number of vacancies of Federal judges. Of course, a person can become a Federal judge only after a nomination and confirmation by the Senate.

Here are the vacancies—67. I put a magnifying glass on the chart so everybody can see how many we have confirmed. Zero. Diddle squat. That is all we have done—no confirmations whatsoever. In fact, I don't think we have even had a hearing. We are now in the fourth month of the year and about to go into the fifth month. I don't think in my 25 years here we have ever gone this long, especially in the middle of a President's term, without even having any hearings.

Mark McGwire is ahead of us in home runs, both on confirmations and on nomination hearings. Last year we got a little bit ahead of him, at least until the baseball season began. We had confirmed by the time of the All-Star break in July something like 33 judges. It took Mark McGwire almost 10 weeks to catch up and pass us last year. This time he passed us on the very first day he goes out to bat. The very first day that he is playing he beats us.

I have heard it said that we can't confirm nominees that we don't have. We have 33 nominees up here right now. They are here sitting before the Senate. Some have already had hearings last year, and they just sit there and sit there, and we don't vote on them. We don't confirm them.

Look at how we have done in the past. Let's go a little backward. In 1994, we confirmed 101. In 1999, we only confirmed 65. Mark McGwire hit 70 home runs.

I think we will talk a little more about this as we go along. We have also had a problem with the time between nomination and confirmation. Again, it doesn't answer the question to say we can't confirm people if they are not nominated. In fact, they are nominated, and they still don't get confirmed and those that do are taking longer every year. In 1993, it took the average time of 59 days to get them confirmed. Now it takes 232 days. I know of people who have declined appointments to the Federal bench. Why? Because they can't get confirmed at all or confirmed in a reasonable time.

So the bottom line, Mr. President, is here we are with 67 vacancies and zero confirmations. And I am willing to bet that, at the rate we are going, Mark McGwire is going to be way ahead of us all year long.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. We are. We are in morning business until 1 p.m.

Mr. KERRY. May I inquire, what is the order at 1 p.m.?

The PRESIDING OFFICER. There is no specific business pending.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business until I complete my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

(The remarks of Mr. KERRY, Mr. LEVIN and Mr. KENNEDY pertaining to the introduction of S. 791 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KERRY. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 767

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 90, S. 767, under the following limitations: 1 hour of debate on the bill, equally divided in the usual form; the only amendment in order to be a substitute amendment to be offered by myself and others; no other amendments or motions in order to the bill; and at the conclusion of the time and the disposition of the amendment, the bill be read a third time and the Senate proceed to a vote on the bill with no other intervening action or debate.

I further ask consent that when the Senate receives from the House the companion measure and it is the exact text of the Senate-passed measure, then the House bill be considered read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COVERDELL. Mr. President, I am disappointed that we would have an objection to a measure that has already, in a sense, been initiated by the President and deals with amelioration and comfort to the troops—our sons and daughters that are in harm's way today, as we have all been highly focused on Kosovo. This sends a very positive message—and it has been broadly agreed to—to their families and to the fighting men and women, and it is a shame that we have to get balled up at a time like this when we are under such duress.

Mr. REID. Mr. President, I say to my friend from Georgia that this is important legislation. It has bipartisan support and we should move forward with the legislation. There is nothing that indicates that anybody is going to prolong this debate unnecessarily. We simply think it is appropriate that this legislation be handled in the manner that legislation has been handled in this body for many years—in fact, a couple centuries.

We understand that we are going to help the fighting men and women of our country, and it is certainly appropriate to do it around tax time because that is what this matter relates to, the tax burdens that face some of our people. There will be a delay, for example, as to when they have to file their returns. We are willing to do that, but we are not willing to enter into a restrictive agreement that just allows the manager to submit an amendment and no one else. We are ready to move forward on this legislation. We should be debating it now. We could go forward with the legislation this very minute and have this wrapped up in a matter of a few hours.

Mr. COVERDELL. Mr. President, I thank my good colleague from Nevada. I want to elaborate.

The reason is not to facilitate my own amendments. It is to facilitate the issue for which, as he has acknowledged, there is broad agreement. I think that the thinking here was that this very simple proposal which would help our fighting men and women, for which there is broad agreement, could be handled and moved forward. It is very clear that a Member on your side of the aisle, who is purporting to want to amend it, is talking about something that would be very controversial and would entangle the simple proposal that could be an immediate gesture to our fighting men and women, to which the whole Congress has agreed. The House passed it unanimously yesterday. I just reiterate that this is a needless delay on something that is designed for our fighting men and women, no matter how you look at it.

Mr. REID. Mr. President, the needless delay is taking time here and being enmeshed in procedural matters that need not be enmeshed. I was asked to listen to a unanimous consent proposal that was advocated and propounded by my friend from Georgia. It is something that we believe is inappropriate. This legislation is going to